

FREEMAN, NOOTER & GINSBERG
ATTORNEYS AT LAW

LOUIS M. FREEMAN
THOMAS H. NOOTER*
LEE A. GINSBERG

*NY AND CALIF. BARS

75 MAIDEN LANE
SUITE 503
NEW YORK, N.Y. 10038

(212) 608-0808
TELECOPIER (212) 962-9696

March 8, 2021

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Letter Motion
CONSENT Surrender Date Adjournment Request

RE: United States v. Brandon Alvarez, 19 Cr. 23 (LTS)

Your Honor:

I am writing to ask the Court to postpone my client's surrender date one more time, from March 25, 2020 until late June, 2021.

I have consulted with AUSA Nicholas Chiuchiolo, Esq., and he has no objection to this request.

The reason is the continuing status of the pandemic, and my client's high risk medical conditions which have been discussed in prior applications for postponement of the surrender date and in a motion for compassionate release previously made and withdrawn.

As the Court will remember, Mr. Alvarez suffers from fairly severe asthma which requires him to enter the hospital from time to time, and he has only a 70% of normal lung capacity due to an injury he suffered in an automobile accident in 2008. He also has a high body mass index (BMI) which fluctuates between 36.8 and 37.6 (anything above 30 is considered "obese", which is a significant risk factor for Covid-19 morbidity). The details were provided in the motion for compassionate release (docket entry number 58).

Despite my client's high risk situation, he still does not qualify for the vaccine. Since President Biden has announced that vaccines should become available to all adult Americans in May (and because the two-dose regimen has to be followed by several weeks of having it take effect) I am requesting a date in late June in the hope that he will be vaccinated prior to entering a Bureau of Prisons facility.

My client has relocated to live with his father in Florida, and still needs some time to move all his possessions there.

I also note that the co-defendant in this case had his surrender date deferred to June 17, 2021.

As I stated, the government has no objection to the request for a late June surrender date.

Thank you so much.

Sincerely,

/s/ Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant Alvarez

cc: AUSA Nicholas Chiuchiolo, Esq., by ECF

The request is granted. The surrender date is extended to June 24, 2021. DE# 79 resolved.
SO ORDERED.

3/8/2021

/s/ Laura Taylor Swain, USDJ